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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,815	08/11/2005	Doris Hjorth Hansen	133630-0001	1376
50659	7590	01/28/2008		
Thomas Moga Butzel Long STONERIDGE WEST 41000 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304			EXAMINER JACKSON, BRANDON LEE	
			ART UNIT 3772	PAPER NUMBER
			NOTIFICATION DATE 01/28/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/536,815

Applicant(s)

HANSEN, DORIS HJORTH

Examiner

Brandon Jackson

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to amendments/arguments filed 11/7/2007. Currently, claims 1-9 are pending in the instant application.

Response to Arguments

Applicant's arguments, see Page 9, filed 11/7/2007, with respect to the rejection(s) of claim(s) 1-9 under 102(b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Danzger (US Patent 5,503,620).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 6, the phrase "other such drawstring elements" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "other such drawstring elements "), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnstone (US Patent 5,538,502) in view of Danzger (US Patent 5,503,620). Johnstone discloses a surgical chest dressing (10) comprising a flexible band of stretchable material encircling the chest (col. 2, lines 1-5), a means for (68, 62, 46, 30) manually varying the tension of the band (col. 2, lines 1-5). Shoulder straps (74, 76) are mounted on the band (col. 2, lines 1-5). The band (col. 2, lines 1-5) is secured around the chest, using hook and loop fasteners (46, 30). Handle (79) or ends (42, 29) can be used as grips for manually varying the tension of the dressing (10). The dressing (10) lacks (fig. 4) a mechanical moving part for adjusting the dressing (10). The dressing (10) can be worn next to the skin (fig. 4). The Johnstone device has no mechanical moving parts such as a pulley or drawstring for varying the tension. Johnstone fails to disclose the band is wholly or partially concealed within pockets. However, Danzger teaches support belt (10) comprising a tensioning belt (14) having an elastic (col. 8,

lines 9-11) band (96), which is partially concealed by pockets (98, 100, 102, 104).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the Johnstone device to have tensioning belt partially concealed by pockets, as taught by Danzger, in order to prevent unwanted vertical movement of the band or to prevent tangling of the band.

With respect to claim 9, the method of increasing or decreasing the tension of the band (col. 2, lines 1-5) by applying pressure to the means for (68, 62, 46, 30) manually varying the tension would be inherent to the use of the dressing (10).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnstone (US Patent 5,538,502) in view of Danzger (US Patent 5,503,620) and further in view of Fletcher (4,630,610). Johnstone/Danzger substantially discloses the claimed invention; see rejection to claim 1 above. Johnstone/Danzger fails to disclose the surgical dressing is sterile. However, Fletcher teaches a post surgical vest (10) that is sterile (col. 5, lines 4-8). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the Johnstone/Danzger dressing to be sterile, as taught by Fletcher, in order to prevent infection of the body while wearing the device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Jackson whose telephone number is (571)272-3414. The examiner can normally be reached on Monday - Friday 8-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571)272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Jackson 1/22/08
Brandon Jackson
Examiner
Art Unit 3772

BLJ

Patricia Bianco
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1/22/08